

IOWA BOARD OF NURSING FACT SHEET

It is the responsibility of the Iowa Board of Nursing to protect the health, safety and welfare of Iowa citizens by regulating the practice of nursing. One of the ways the Board accomplishes this mission is through the disciplinary process. If the Board receives information alleging a REGISTERED NURSE, LICENSED PRACTICAL NURSE, or ADVANCED REGISTERED NURSE PRACTITIONER (ARNP) has violated the Board of Nursing Rules or statutes pertaining to nursing, the Board has the authority to investigate.

WHAT IS A COMPLAINT?

A complaint is a detailed description of an alleged behavior by a nurse that may violate the Board rules. The complaint must be in writing and signed by the person filing the complaint.

[COMPLAINT FORM](#)

WHO CAN FILE A COMPLAINT?

Anyone who has information that a nurse may have violated the Board rules may file a complaint. This includes consumers, other regulatory agencies and other nurses or professionals. Iowa Code 272C.8 assures that anyone filing a complaint shall not be civilly liable unless the complaint is filed out of malice.

[COMPLAINT FORM](#)

WHO IS REQUIRED TO REPORT VIOLATIONS?

Iowa law and Board rules mandate that all licensed nurses are required to report *suspected* acts or omissions committed by another licensee of this board. Those who do not report violations are subject to discipline for failing to report.

WHAT ARE COMMON TYPES OF VIOLATIONS?

Violations of the Iowa Code and/or Board rules may include:

- Abusive behavior: physical, verbal, sexual
- Boundary issues including exploitation or sexual misconduct
- Criminal convictions, both misdemeanor or felony
- Falsification of patient records, applications, or license renewal records

- Substance abuse
- Scope of practice issues
- Nurse License Compact violations
- Audit failures
- Practicing without an active license

WHAT HAPPENS WHEN THE BOARD RECEIVES A COMPLAINT?

The complaint is reviewed by board staff and assigned to one of five investigators. The person filing the complaint will receive a letter identifying the assigned investigator for further contact.

WHAT HAPPENS DURING AN INVESTIGATION?

An investigation involves gathering and reviewing a variety of information and documents such as patient records, personnel records or court records. Some of these records may have to be subpoenaed or require a signed release of medical information from the involved patient. The investigator may interview pertinent witnesses as well as the nurse named in the complaint.

The fact that an investigation is taking place is not public information. Board staff cannot confirm or deny that any investigation is in process.

After all information is gathered, it is presented to the Board for their review.

WHAT ARE THE POTENTIAL DISCIPLINARY OUTCOMES?

1. Complaint is closed.

After review of all investigative information, if the Board finds the evidence is not sufficient to support a probable cause finding, the case is closed. The Board may issue an *Informal Letter of Reprimand*. There are no public records if the case is closed and/or an Informal Letter of Reprimand is issued. The complainant will receive a letter advising of the closure, the nurse will be notified.

2. Licensee can enter into a settlement agreement.

A settlement agreement may be offered during the investigation if the involved nurse acknowledges wrongdoing and/or wishes to expedite the process. In this situation the Board will review a Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order (Combined) if signed by the licensee. If probable cause is determined the Board will review the settlement offer. If the Board agrees to the settlement, the document will be signed by the chairperson. The order goes into effect when received by the nurse per certified mail.

3. Notice of Hearing and Statement of Charges.

If the Board determines probable cause after review of all investigative information, a Notice of Hearing and Statement of Charges will be issued from the board office. This document will provide a date/time at the next scheduled board meeting for a formal hearing before the Board. The document is sent per restricted certified mail and MUST be signed for by the nurse.

A settlement agreement will be offered to the nurse. The nurse must sign the agreement and return it to the board office. It will be presented to the Board in lieu of the hearing. If the Board accepts the settlement agreement exactly as written, the document will be signed

by the chairperson. The order goes into effect when received by the nurse per certified mail.

If the matter is not resolved through the settlement process or the nurse wishes a formal hearing, the case will be presented to the Board as scheduled. The State will be represented by an Assistant Attorney General. The proceeding is held before an Administrative Law Judge (ALJ) with the Board members hearing evidence. The nurse may appear personally or be represented by counsel at the expense of the licensee. After all evidence and testimony is presented the Board will deliberate in a closed session. The ALJ will prepare the Board's findings for their review. The Board will issue a Findings of Fact, Conclusions of Law, Decision and Order based on the information presented during the hearing. The Order will go into effect when received by the nurse per certified mail.

WHAT ARE THE DISCIPLINARY ACTIONS OF THE BOARD?

Sanctions the Board may impose include:

- Citation and Warning
- Civil penalty/Fine
- Continuing Education
- Probation with conditions
- Suspension
- Revocation

WHAT IF I NEVER RECEIVE NOTICES OR THE FINAL ORDER FROM THE BOARD?

The Board is required to send the Notice of Hearing and final orders to your address of record by restricted certified mail or personal service. By law, you are required to notify the Board in writing of any address changes. If service cannot be accomplished through those methods, notice can occur by publication in a newspaper of general circulation in the county of your last-known address.

Disciplinary actions are published in the *Nursing Newsletter* and on the board website at www.iowa.gov/nursing under Enforcement. These actions are reported to National Council

State Boards of Nursing (NCSBN) and other relevant national databanks. NCSBN disseminates disciplinary information to all state boards of nursing. Action taken by the Board may affect your license to practice in other states.

WHAT IF I AM WORKING IN IOWA ON A MULTISTATE LICENSE?

If a complaint is filed while you are employed using your multistate license from another compact state, the Iowa Board of Nursing will investigate the allegation in regards to your Privilege to Practice in this state. Your home state will be notified and may sanction your license in that state.

If you are working in another compact state on your Iowa multistate license and a complaint is filed, the Iowa Board of Nursing may sanction your license. The state where the incident occurred may also sanction your Privilege to Practice in that state.

WHERE CAN I FIND ADDITIONAL INFORMATION?

Access to the Code of Iowa pertaining to nursing and the Iowa Administrative Code/Board of Nursing Rules can be found on our [website](#). Additional information may also be found on the website under **ENFORCEMENT** and **PRACTICE**. If you still have questions, please contact the enforcement unit at 515-281-6472 or E-mail us at enforce@iowa.gov.

WHAT IS THE DIFFERENCE BETWEEN A DIA SURVEY AND AN IBON INVESTIGATION?

DIA (Department of Inspections and Appeals) regulates nursing homes and home health agencies. DIA surveyors respond to complaints about those facilities/agencies and take action based on state and federal regulations specific to those areas. The Iowa Board of Nursing has purview over licensed nurses only. An investigation by the IBON focuses on possible violations of laws and rules specific to nursing. If you have a complaint concerning a nursing

home, please forward your complaint to DIA . Their website can be found at <http://www.state.ia.us/government/dia/> Complaints concerning a nurse(s) should be reported to the Iowa Board of Nursing.

WHO DO I CALL IF I HAVE A COMPLAINT REGARDING A CERTIFIED NURSING ASSISTANT (CNA) OR A CERTIFIED MEDICATION AIDE (CMA)?

To report a complaint about a certified nursing assistant (CNA), call 515-281-4115. To report a complaint about a certified medication aide (CMA), call 515-242-5991.